



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5581

by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

765 ILCS 745/8

from Ch. 80, par. 208

765 ILCS 745/8.7 new

Amends the Mobile Home Landlord and Tenant Rights Act. Provides for automatic lease renewal for 2 years unless certain requirements are met, such as a 30-day notice and a notice of reasons for the non-renewal of the lease. Provides that if the tenant does not accept the landlord's new lease terms that the park owner and tenant or tenant association shall use a State-certified general real estate appraiser, selected by the parties or the court, to prepare an appraisal to determine the appropriate amount for rent and fees. Provides that the appraisal is subject to court review. Makes other changes.

LRB095 17197 AJO 46246 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mobile Home Landlord and Tenant Rights Act
5 is amended by changing Sections 8 and 9 and by adding Section
6 8.7 as follows:

7 (765 ILCS 745/8) (from Ch. 80, par. 208)

8 Sec. 8. Renewal of Lease.

9 (a) Every lease of a mobile home or lot in a mobile home
10 park shall contain an option which automatically renews the
11 lease; unless:

12 (1) the tenant shall notify the owners 30 days prior to
13 the expiration of the lease that he does not intend to
14 renew the lease;

15 (2) the park owner shall notify the tenant 30 days
16 prior to the expiration of the lease that the lease will
17 not be renewed and specify in writing the reasons, such as
18 violations of park rules, health and safety codes or
19 irregular or non-payment of rent;

20 (3) the park owner elects to cease the operation of
21 either all or a portion of the mobile home park; or

22 (4) the park owner seeks to change the terms of the
23 agreement pursuant to subsection (b) in which case the

1 procedures set forth in subsection (b) shall apply, unless
2 the only change is in the amount of rent, in which case it
3 is sufficient if the park owner provides a letter notice to
4 the tenant stating the changed rent amount; any notice of a
5 change in the amount of rent shall advise the tenant that
6 the tenant will be given a copy of the lease, upon request,
7 at no charge and that no other changes in the lease are
8 allowed.

9 (b) If there is no change in the lease, the park owner must
10 provide the tenant with a letter notice stating there will be
11 no change in the lease terms unless a new lease is signed. If
12 there is a change in the rent, the park owner must offer to
13 provide the tenant a copy of the lease without charge upon
14 request.

15 (c) All notices required under this Section shall be by
16 first class mail or personal service.

17 (d) At the expiration of a lease, including one that is a
18 renewal of a previous lease, the lease shall be renewed
19 automatically for a term of 2 years with the same terms as the
20 previous lease, unless the park owner seeks to change the terms
21 of the agreement pursuant to subsections (f), and (g), in which
22 case the procedures set forth in those subsections shall apply.

23 (e) If the tenant does not accept the new terms, the tenant
24 may initiate a binding appraisal process whereby a
25 State-certified general real estate appraiser, licensed
26 pursuant to the Real Estate Appraiser Licensing Act of 2002,

1 agreed to by the tenant and park owner shall determine the fair
2 market value of the rent and other fees over the next 2 years,
3 based on the existing leases of other tenants in the same
4 mobile home park and any discount that is necessary to reflect
5 any future change in land use that the park owner has
6 announced. The amount determined by the appraiser, including
7 any built-in increases, shall be binding for the next 2 year
8 period.

9 (f) A tenant whose existing lease does not comply with this
10 Act shall, as soon as practical, be offered a 2 year lease that
11 complies with this Act, effective on the termination of the
12 existing lease. If the tenant does not accept the terms of the
13 lease, the tenant may initiate a binding appraisal process,
14 whereby a State-certified general real estate appraiser,
15 licensed pursuant to the Real Estate Appraiser Licensing Act of
16 2002, agreed to by the tenant and park owner shall determine
17 the fair market value of the rent and other fees over the next
18 2 years, based on new leases of other tenants in the same
19 mobile home park and, if necessary, leases in comparable mobile
20 home parks.

21 (g) A tenant has 60 days from receipt of the renewal notice
22 to initiate the binding appraisal process. If the appraisal
23 process extends beyond the termination of the original lease
24 term, the tenant shall be a hold-over on a month-to-month lease
25 under the terms of the original lease and the park owner shall
26 be prohibited from taking any action inconsistent with that

1 original lease.

2 (Source: P.A. 95-383, eff. 1-1-08.)

3 (765 ILCS 745/8.7 new)

4 Sec. 8.7. Appraisals.

5 (a) If the tenant or tenant association and the park owner
6 fail to select an appraiser pursuant to subsection (e) or (f)
7 of Section 8, the circuit court in the county where the park is
8 located, upon application of the park owner or tenant, shall
9 appoint the appraiser.

10 (b) The appraiser's decision shall be a signed written
11 document, with copies provided to both the park owner and the
12 tenant. The appraiser's decision shall equitably apportion
13 expenses and fees incurred in the preparation of the appraisal
14 between the park owner and the tenant.

15 (c) The park owner and the tenant have the right in the
16 appraisal procedure to be represented by attorneys or, in the
17 case of the tenant, by the tenant association.

18 (d) The park owner or tenant may seek court review of an
19 appraisal that was conducted pursuant to this Section. The
20 court may vacate or modify the appraiser's decision, establish
21 the fair market value of the land, or grant any other relief as
22 the court deems just or appropriate.